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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff,	Mag. Case No. '08 MJ 8815
	COMPLAINT FOR VIOLATION OF:
v.	Title 8, U.S.C., Section 1324 (a)(1)(A)(ii) -Illegal Transportation of Alien(s),
Raul Fernando MARTINEZ-Salazar (1), Jamie GARCIA-Rios (2), Luis Ramon NORIEGA (3), Defendants,	Title 18 U.S.C., Section 2 Aiding and abetting,

The undersigned complainant, being duly sworn, states:

On or about September 4, 2008, within the Southern District of California, defendants Raul Fernando MARTINEZ-Salazar, Jamie GARCIA-Rios and Luis Ramon NORIEGA, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that alien, R.G.R., had come to, entered or remained in the United States in violation of law, did transport or move, said alien within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii), and Title 18 U.S.C. Section 2.

And the complainant states that this complaint is based on the attached statement of facts which, is incorporated herein by reference.

Senior Border Patrol Agent
Oscar V. Sanchez

SWORN TO BEFORE AND SUBSCRIBED IN MY PRESENCE THIS 8th DAY OF SEPTEMBER 2008.

Peter C. Lewis
United States Magistrate Judge

I, Senior Border Patrol Agent Mikuski declare under penalty of Perjury, the following is true and correct:

PROBABLE CAUSE STATEMENT

The complainant states that this complaint is based upon statements in the investigative reports by U.S. Border Patrol Agent V. Vega that on September 4, 2008, the defendants, Raul Fernando MARTINEZ-Salazar, Jamie GARCIA-Rios and Luis Ramon NORIEGA all United States Citizens, were apprehended in Calexico, California, along with (1) one undocumented alien from Mexico, in violation of law.

On September 4, 2008, at approximately 1:00 P.M., the Calexico California Border Patrol Stations Remote Video Surveillance System (RVSS) Operator observed three individuals make an illegal entry into the United States by climbing over the International Boundary Fence from Mexico. The RVSS Operator notified agents in the area. Agents responded and apprehended two of the three illegal entrants and determined them to be citizens of countries other than the United States illegally in the United States.

Agent Vega stayed in the area to watch for the third illegal entrant. After a short time, Agent Vega noticed a female, later identified as Jamie GARCIA-Rios, walking on Second Street in Calexico, California. Agent Vega saw her talking on a cell phone and then waive to someone with her hand. Agent Vega saw two individuals come walking out of the same area GARCIA just came from. Agent Vega recognized one of the individuals, identified as Luis Ramon NORIEGA, Agent Vega recognized NORIEGA from the numerous times Border Patrol has apprehended him as a smuggler. The individual he was walking with was later identified as R.G.R.

Agent Vega followed GARCIA, NORIEGA and R.G.R. as they continued north away from the International Boundary with Mexico. The three came to a Toyota truck which had no visible license plate. Agent Vega saw NORIEGA open the door to the truck and witnessed GARCIA and R.G.R. board the truck. NORIEGA walk away from the truck as it started driving northbound on Giles Avenue. Agent Vega continued to keep a constant visual on the truck.

Agent Vega was able to drive along side of the truck and see the driver, later identified as Raul Fernando MARTINEZ-Salazar, wearing a beige/brown checkered shirt and had curly black hair with a black mustache.

Using the emergency lights and siren of his Border Patrol vehicle, Agent R. Contreras attempted to stop the Toyota. MARTINEZ immediately sped away and failed to yield for Agent Contreras. Agent Contreras observed MARTINEZ weave the Toyota through the stopped traffic and run the red light at the intersection of Highway 98 and Highway 111. MARTINEZ drove the Toyota south on Highway 111. Agent Contreras was not able to follow MARTINEZ.

Agent Vega was able to make contact with the Toyota off of Grant Street in the alley. Agent Vega saw MARTINEZ and R.G.R. running in the alley towards him. MARTINEZ and R.G.R. attempted to hide in a doorway then started to run again. As Agent Vega approached MARTINEZ and R.G.R. he identified himself to them. Agent Vega questioned MARTINEZ and R.G.R. and determined MARTINEZ to be a United States Citizen and R.G.R. to be a citizen of Mexico illegally in the United States. Agent J. Vega-Torres encountered GARCIA and Agent J. Wagner encountered NORIEGA and they were arrested for their parts in the smuggling scheme.

At the Station Agent Vega-Torres witnessed Agent N. Atilies read GARCIA her right per Miranda. GARCIA stated she understood her rights and was willing to speak with the agents without an attorney present. GARCIA stated on today's date NORIEGA, MARTINEZ and her were at her uncles house when MARTINEZ received a phone call from a smuggler telling him to get the illegal alien that was hiding. GARCIA stated while NORIEGA went to pick up R.G.R., MARTINEZ waited in the Toyota. GARCIA stated after NORIEGA picked up R.G.R. they returned to the house and from there GARCIA accompanied them. GARCIA state she was assisting NORIEGA by acting as a lookout. GARCIA stated MARTINEZ was driving the Toyota. GARCIA stated when R.G.R. and her boarded the Toyota, MARTINEZ told NORIEGA to walk back home. GARCIA stated the plan was to take R.G.R. to the swap meet and hand him over to another smuggler. GARCIA stated NORIEGA and her were assisting MARTINEZ to smuggle R.G.R. so MARTINEZ could receive money to pay his rent. GARCIA stated MARTINEZ was going to pay NORIEGA and her an undisclosed amount of money for helping him smuggle R.G.R..

GARCIA stated at one point she saw the lights and heard the siren from the Border Patrol and MARTINEZ began to flee. GARICA stated after turning into the alley the door to the Toyota opened and she fell out. GARCIA stated MARTINEZ drove away.

GARCIA stated she has been smuggling illegal aliens for approximately three years and can not recall how many times she has been successful. GARCIA stated she has been arrested for smuggling seven or eight times.

GARCIA was shown photo lineup number 1 and identified photo number 1, MARTINEZ, as the driver of the Toyota. GARCIA was shown photo line up number 2 and identified photo number 2, NORIEGA, as the person who was guiding GOMEZ.

Material Witness R.G.R. stated arrangements were made with a smuggler in Mexico to be smuggled into the United States for an unknown fee. R.G.R. stated after he crossed the fence into the United States he hid until a man, NORIEGA, came for him. R.G.R. stated NORIEGA gave him clothes to wear and took him with a female, GARCIA, to a truck. R.G.R. stated while they were walking to the truck, GARCIA and NORIEGA told him to walk calmly. R.G.R. stated once at the truck GARCIA told him to get into the truck. R.G.R. stated an older man, MARTINEZ, was driving the truck. R.G.R. stated after they left in the truck GARCIA said the Border Patrol was following them. R.G.R. stated when the siren came on MARTINEZ sped up. R.G.R. stated while they were driving MARTINEZ made a turn and the door opened and GARCIA fell out of the truck. R.G.R. stated MARTINEZ and him left the truck and started running until they were arrested.

R.G.R. was shown photo line up number 1 and identified photo number 1, MARTINEZ, as the driver of the Toyota. R.G.R. was shown photo line up number 2 and identified photo number 2, NORIEGA, as the person who guided him. R.G.R. was shown photo line up number 3 and identified photo number 3, GARCIA, as the person who assisted NORIEGA in guiding him and as being in the Toyota with him.

The complainant states that the names of the Material Witnesses are as follows:

NAME	**PLACE OF BIRTH**
R.G.R.	Mexico

Further, complainant states that R.G.R. is a citizen of a country other than the United States; said alien has admitted that he is deportable; that his testimony is material, that it is impracticable to secure his attendance at the trial by subpoena; and he is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

Executed on September 6, 2008, at 8:00 AM.

Michael Mikuski
Senior Border Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 3 pages, I find Probable Cause to believe that the defendant named in this probable cause statement committed the offense on September 4, 2008, in violation of Title 8, United States Code, 1324.

Honorable Louisa S. Porter
United States Magistrate Judge

9/6/08 Noon
Date/Time